

REMARKS

Summary of the Office Action

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatano et al. (US 6,320,629) in view of Kwak (US 6,384,878) and Gu et al. (US 6,359,672).

Claims 12-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hatano et al. in view of Nakamura et al. (US 6,582,862).

Claim 12 is objected to for informalities.

Summary of the Response to the Office Action

Applicants have amended claims 1 and 3 to further define the invention, and amended claims 12 and 15 to correct minor informalities. Accordingly, claims 1-4 and 12-16 are pending for consideration.

In addition, Applicants have amended paragraph [0046] of the specification to correct a minor informality. Specifically, the amendment to paragraph [0046] is fully supported by paragraph [0045], wherein there is disclosed a “compensation film 504.” Accordingly, Applicants respectfully assert that no new matter has been introduced by the amendment to paragraph [0046].

Claim Objections

Claim 12 is objected to for informalities. Specifically, the Office Action alleges that claim 12 recites language that appears to be incorrect. Accordingly, Applicants have amended independent claim 12 in accordance with the Examiner’s suggestion. Thus, Applicants respectfully request that the objection to claim 12 be withdrawn.

All Claims Define Allowable Subject Matter

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hatano et al. (US 6,320,629) in view of Kwak (US 6,384,878) and Gu et al. (US 6,359,672), and claims 12-16 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hatano et al. in view of Nakamura et al. (US 6,582,862). Applicants respectfully traverse this rejection for at least the following reasons.

Initially, with regard to the rejection of claims 2 and 4, Applicants respectfully assert that Song et al. has been disqualified as prior art. However, the Office Action still maintains (page 3, penultimate paragraph) that:

“it was conventional at the time to have electrode includes ITO, as evidenced by Song et al, [par. 0034], and therefore having the benefit of being available.”

Applicants respectfully assert that Song et al. fails to provide any proper motivation since it was disqualified as prior art. Accordingly, Applicants respectfully assert that the Office Action again fails to establish a *prima facie* case of obviousness with regard to at least claims 2 and 4.

Moreover, if the Examiner intends to allege that forming a pixel electrode from ITO is “conventional” or “common knowledge,” or if the Examiner intends to take *Official Notice* of such, then Applicants respectfully assert that Applicants respectfully submit that, as instructed in MPEP 2144.03A, “[i]t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known,” and, in part, “[i]t is never appropriate to rely solely on ‘common knowledge’ in the art without evidentiary support in the record, as the principle evidence upon which a rejection was based. *Zurko*, 258 F.3d at 1385, 59

USPQ2d at 1697.” Accordingly, Applicants respectfully submit that since none of the prior art of record teaches or suggests that pixel electrodes are well known and capable of instant and unquestionable demonstration as being well-known for being formed of ITO, then it is not appropriate for the Examiner to take official notice or make the assertion that pixel electrodes formed of ITO is well known.

Furthermore, as instructed by MPEP 2144.03C, “[i]f applicant adequately traverses the examiner’s assertion of official notice, the examiner must provide documentary evidence in the next Office Action if the rejection is maintained. See 37 CFR 1.104(c)(2). See also *Zurko*, 258 F.3d at 1386, 59 USPQ2d at 1697.” Thus, Applicants respectfully submit that if the rejection is maintained, documentary evidence be provided in the next Office Action that it is well-known for forming pixel electrodes of ITO.

Independent claims 1 and 3, as amended, recite a liquid crystal display device and method of forming a liquid crystal display device including the specific feature that the compensation film “compensates for phase variations of light.” In direct contrast to Applicants’ claimed invention, Hatano et al. explicitly discloses (col. 7, line 55 to col. 8, line 23) that the reflective LCD device 100 includes polarizing layers 106 and 107 and a phase plate 108, and that the polarizing layers 106 and 107 have polarizing axes 106a and 107a, respectively, which are perpendicular to each other. In addition, Hatano et al. explicitly discloses that the phase plate/layer 108 is composed of regions 109 which do not provide a phase difference to incident light and regions 110 which provide a phase difference to incident light. Accordingly, Applicants respectfully assert that the Office Action’s attempt to equate the polarizing layer 106 of Hatano et al. to Applicants’ claimed passivation film, and the phase plate/layer 108 of Hatano

et al. to Applicants' claimed compensation film is completely unsupported by Hatano et al. with regard to at the functions of each of the polarizing layer 106 and the phase plate/layer 108. For example, the phase plate/layer 108 of Hatano et al. fails to provide for "phase variations of light," as explicitly required by each of amended independent claims 1, 3, and 12. Accordingly, Applicants respectfully assert that Hatano et al. is more deficient than admitted to by the Office Action. Thus, Applicants respectfully assert that the Office Action fails to establish a *prima facie* case of obviousness with regard to at least the combination of features recited by amended independent claims 1, 3, and 12.

Applicants further respectfully assert that none of Kwak, Gu et al., and Nakamura et al., whether taken singly or combined, can remedy the deficiencies of Hatano et al. Moreover, Applicants respectfully assert that even if any of Kwak, Gu et al., and Nakamura et al., whether taken singly or combined, could remedy the deficiencies of Hatano et al., as detailed above, that the phase/layer 108 of Hatano et al. cannot function to provide for "phase variations of light," as explicitly required by each of amended independent claims 1, 3, and 12.

For at least the above reasons, Applicants respectfully assert that none of Hatano et al., Kwak, Gu et al., and Nakamura et al., whether taken singly or in combination, teach or suggest the features of claims 1-4 and 12-16. Thus, Applicants respectfully request that the rejection of claims 1-4 and 12-16 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully request entry of the amendments, reconsideration and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this Response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such as an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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